

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:23-cr-106

vs.

DAVID L. COLLINS,

District Judge Michael J. Newman

Defendant.

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**ORDER: (1) GRANTING DEFENDANT'S MOTION TO WITHDRAW HIS GUILTY PLEA (Doc. No. 40); (2) FINDING THAT DEFENDANT IS DEEMED INDICTED UNDER 18 U.S.C. § 3161 ON THE DATE OF THIS ORDER; (3) SETTING A JOINT STATUS REPORT DEADLINE ON APRIL 30, 2025 (4) SETTING THIS CASE FOR TRIAL ON MAY 5, 2025 AT 9:30 a.m.**

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The Court rejected the parties' plea agreement at a hearing on February 26, 2025. *See* Fed. R. Crim. P. 11(c)(5). This case is presently before the Court on Defendant's motion to withdraw his plea of guilty pursuant to Fed. R. Crim. P. 11(d). Doc. No. 40. Under Fed. R. Crim. P. 11(d)(2)(A), Defendant had the right to withdraw his guilty plea after this Court rejected the plea agreement. Therefore, the Court **GRANTS** Defendant's motion to withdraw his guilty plea.

Pursuant to 18 U.S.C. § 3161(i), "the day the defendant withdraws his guilty plea becomes the day of indictment for Speedy Trial Act purposes[.]" *United States v. Robertson*, 260 F.3d 500, 503 (6th Cir. 2001). Defendant is, thus, deemed indicted on the date of this Order, and the Speedy Trial Act 70-day timeline begins to run on March 21, 2025. *See id.*; *see also* 18 U.S.C. § 3161(i). Consequently, the Speedy Trial act deadline is **May 29, 2025**.<sup>1</sup> Trial is **SET** for **May 5, 2025** at 9:30 a.m. The parties shall **FILE** a joint status report by **April 30, 2025**.

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<sup>1</sup> If counsel disagrees with this calculation, counsel shall contact the Court with their Speedy Trial Act calculation and deadline.

Counsel for both sides are **ADVISED** that, if Defendant wishes to change his plea (*i.e.*, plead guilty) in the future, the parties shall file the joint motion attached as an appendix to this scheduling order. Pursuant to Fed. R. Crim. P. 11, the Court shall not participate in plea negotiations and takes no position on whether a defendant changes his or her plea. *See* Fed. R. Crim. P. 11(c)(1).

**IT IS SO ORDERED.**

March 20, 2025

s/ Michael J. Newman

Hon. Michael J. Newman  
United States District Judge

UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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[DEFENDANT],

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**JOINT MOTION FOR DEFENDANT TO CHANGE PLEA**

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The parties hereby jointly move this Court to permit the Defendant to change his or her plea in the above-captioned case.

*/s/ [Government Attorney Name]*  
[Attorney Name] ([Bar Number])  
Assistant United States Attorney  
200 West Second Street  
Dayton, OH 45402  
Telephone: [insert phone number]  
Email: [insert email address]  
*Attorney for Plaintiff*

*/s/ [Defendant Attorney Name]*  
[Attorney Name] ([Bar Number])  
[Insert Firm Name]  
[Insert Address]  
[Insert City, State Zip Code]  
Telephone: [insert phone number]  
Email: [insert email address]  
*Attorney for Defendant*